

JS-6

**UNITED STATES DISTRICT COURT
CENTRAL DISTRICT OF CALIFORNIA**

JONATHAN HEPPNER AND TRINA
HEPPNER,

Plaintiffs,

vs.

CITY OF LOS ANGELES; A
POLITICAL SUBDIVISION OF THE
STATE OF CALIFORNIA; LOS
ANGELES POLICE DEPARTMENT;
SGT. VINCENT #27386; OROPEZA
#39609; ORDONEZ #36647;
HITZMAN #39879 AND DOES 1
THRU 10 INCLUSIVE,

Defendants.

CASE NO.: CV11-01630 CBM (RZx)

Complaint filed: February 24, 2011

Hon. Judge Consuelo B. Marshall, Ctrm: 2

Magistrate Judge Hon. Ralph Zarefsky, Ctrm: 540

JUDGMENT ON SPECIAL VERDICT

This action came on regularly for trial by jury on September 4, 2012, with attorney OKORIE OKOROCHA appearing for Plaintiffs JONATHAN HEPPNER and TRINA HEPPNER and Defendants CITY OF LOS ANGELES, JULIA VINCENT, MATTHEW OROPEZA, OSCAR ORDONEZ and ROBERT HITCHMAN, IV appearing in person and by and through RICHARD M. ARIAS, Deputy City Attorney; a jury of six persons duly impaneled and sworn; witnesses testified; evidence was received; and after being duly instructed by the court, the jury deliberated and thereon returned the following

special verdict:

JUDGMENT ON SPECIAL VERDICT

“TITLE OF COURT AND CAUSE”

“WE, THE JURY, IN THE ABOVE-ENTITLED CAUSE, UNANIMOUSLY
FIND AS FOLLOWS:

QUESTION NO. 1: Have Plaintiffs Jonathan Heppner and Trina Heppner proved
by a preponderance of the evidence that any of the following defendants unreasonably
searched their property/residence? A search is reasonable if:

- a Plaintiff knowingly and voluntarily consented to the search or
- all of the circumstances known to the officers at the time would cause a
reasonable person to believe that the entry or the search was necessary to prevent the
escape of a suspect and there was insufficient time to get a search warrant.

ANSWER:

JULIA VINCENT	Yes ____	No <u>X</u>
MATTHEW OROPEZA	Yes ____	No <u>X</u>
OSCAR ORDONEZ	Yes ____	No <u>X</u>
ROBERT HITCHMAN, IV	Yes ____	No <u>X</u>

If your answer to **Question No. 1** is “Yes” for any of the officers, then proceed to
Question No. 2.

If your answer to **Question No. 1** is “No” for all of the officers then skip to
Question No. 3.

QUESTION NO. 2: Have Plaintiffs Jonathan Heppner and Trina Heppner proved
by a preponderance of the evidence that any of those defendants’ unreasonable search of

1 their property/residence was the moving force that caused harm to them?

2
3 **ANSWER:**

4 JULIA VINCENT Yes _____ No _____

5 MATTHEW OROPEZA Yes _____ No _____

6 OSCAR ORDONEZ Yes _____ No _____

7 ROBERT HITCHMAN, IV Yes _____ No _____

8
9 Now Proceed to **Question No. 3**

10
11
12 **QUESTION NO. 3:** Has Plaintiff, Jonathan Heppner proved by a preponderance
13 of the evidence that defendant, Robert Hitchman, IV, arrested him without probable
14 cause?

15
16 **ANSWER:** Yes _____ No X

17
18
19 If you answered "No" to **Questions No. 1 and 2**, and "No" to **Question No. 3**, do
20 not answer any more questions. Have your foreperson date, sign and turn in this Special
21 Verdict Form.

22 If you answered "Yes" to **Question No. 3**, then proceed to **Question No. 4**.

23 If you answered "Yes" to **Question No. 2** and "No" to **Question No. 3**, proceed to
24 **Question No. 5**.

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26
27 **QUESTION NO. 4:** Has Plaintiff, Jonathan Heppner proved by a preponderance
28 of the evidence that Defendant Robert Hitchman, IV's arrest of Plaintiff without

1 probable cause was the moving force that caused harm to him?

2
3 **ANSWER:**

Yes _____ No _____

4
5 If you answered "No" to either **Question Nos. 1 or No. 2** and "No" to either
6 **Question Nos. 4**, do not answer any more questions. Have your foreperson date, sign
7 and turn in this Special Verdict Form.

8 If you answered "Yes" to either **Question No. 2** or **Question No. 4**, proceed to
9 **Question No. 5.**

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11
12 **QUESTION NO. 5:** What are Plaintiffs Jonathan Heppner and Trina Heppner's
13 total damages as to the violation of 42 U.S.C §1983 - Search of Property (you may refer
14 to your answers to Questions Nos. 1 and 2 above)? If you find for the Plaintiffs but you
15 find that the Plaintiffs have failed to prove damages as defined in these instructions, you
16 must award nominal damages. Nominal damages may not exceed one dollar.

17
18 **ANSWER:**

19 Jonathan Heppner \$ _____

20 Trina Heppner \$ _____

21
22 **TOTAL:** \$ _____

23
24 Now proceed to **Question No. 6.**

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28 **QUESTION NO. 6:** What is Plaintiff Jonathan Heppner's damages as to the
violation of 42 U.S.C §1983 - Seizure/Arrest Without Probable Cause (you may refer to

1 your answers to **Questions Nos. 3 and 4** above)? If you find for the Plaintiffs but you
2 find that the Plaintiffs have failed to prove damages as defined in these instructions, you
3 must award nominal damages. Nominal damages may not exceed one dollar.

4
5 **ANSWER:**

6 Jonathan Heppner \$ _____

7
8 Now proceed to **Question No. 7**.

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11 **QUESTION NO. 7:** Did the Plaintiffs Jonathan Heppner and Trina Heppner
12 prove by a preponderance of the evidence that any of the Defendants acted with malice,
13 oppression, or reckless disregard?

14
15 **ANSWER:**

16 JULIA VINCENT Yes _____ No _____

17 MATTHEW OROPEZA Yes _____ No _____

18 OSCAR ORDONEZ Yes _____ No _____

19 ROBERT HITCHMAN, IV Yes _____ No _____

20
21
22 DATED: September 7, 2012

_____ /S/
Foreperson of the Jury

JUDGMENT

THEREFORE, IT IS ORDERED, ADJUDGED AND DECREED:

1. That judgment be, and hereby is, entered in favor of the Defendants and against the Plaintiffs;
2. That the Plaintiffs shall take nothing;
3. That the Defendants recover their costs of suit herein.

DATED: 9/12/2012


HONORABLE CONSUELO B. MARSHALL
UNITED STATES DISTRICT COURT JUDGE